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EXAMINER

SWEARINGEN, JEFFREY R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/651,303	Applicant(s) MEHANNA ET AL.	
	Examiner Jeffrey R. Swearingen	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :20070314, 20070522, 20070913, 20071120, 20080211.

DETAILED ACTION

CLAIM 9, 10

1. This case has been reassigned to a new examiner.

Interview Summary

2. Applicant's representative held an interview to expedite prosecution in the case. The invention was discussed. It was agreed that the prior art of record was overcome by the claim amendments.

Response to Arguments

3. Applicant's arguments with respect to claims 1-99 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claims 93-94 objected to because of the following informalities: Claims 93-94 refer to the system of claim 84, when claim 84 refers to a host. For purposes of compact prosecution, claims 93-94 are interpreted as referring to the host and not the system. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 41-51 and 98-99, 52, 84-95 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 41-51 and 98-99 are directed to a system enabling intelligent presenting information to a user. The claims appear to be software *per se*, which is not patentable. No hardware is present in the claims. Claim 52 is a computer system comprising means for various functions in the system. The means provided appear to be software *per se*. Applicant redefined a display to include software which displays in the form of a graphical user interface. Specification, page 8, lines 29-31. Software *per se* is not patentable. Claims 84-95 are directed to a host. A host is broadly interpreted as software *per se*, and Applicant has not provided guidance in the claims and specification that would allow this to be limited to a reading of hardware.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-8, 11-22, 26-31, 34-45, 48-57, 60-68, 72-76, 78-88, 91-99 are rejected under 35

U.S.C. 102(e) as being anticipated by Gross et al. (US 2004/0143564).

9. In regard to claim 1, 41, 52, 53, 84, 95, Gross disclosed:

using a web browser to receive a character stream of one or more non-completion characters that indicate that additional characters may be received; [0037]

exchanging the character stream with a host that analyzes the character stream to generate results that are responsive to a user's predicted interest; [0040]

receiving the results from the host, the results representing a first output associated with a first user application and a second output associated with a second user application, wherein the second user application differs from the first user application in function and resource; [0040]

displaying the first output in a manner enabling the user to perceive, before selecting the first output, a function and a resource of the first user application associated with the first output; [0037]

displaying the second output in a manner enabling the user to perceive, before selecting the second output, a function and a resource of the second user application associated with the second output, wherein the function and resource of the second user application is different from the function and resource of the first user application; and [0099]

enabling the user to select from among the first and second outputs. [0100]

10. In regard to claim 2, Gross disclosed:

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using the web browser to receive the character stream in an address line of the web browser, [0097]

exchanging the character stream with the host to generate a mapping result that is responsive to the user's predictive interest, [0097]

receiving the mapping result, and [0098]

displaying the mapping result with an overview map that the user may select to display more detailed mapping information related to the overview map selected. [0098-0100]

11. In regard to claim 3, 42, 54, 85, Gross disclosed:

using the web browser to receive one or more updates to the character stream; [0097]

exchanging the updates to the character stream with the host to permit the host to analyze the character stream using the updates to generate updated results that are responsive to the user's predicted interest; [0097]

receiving the updated results; and [0098]

displaying the updated results so that the user may select one of the updated results to launch a code segment related to a selected result. [0100]

12. In regard to claim 4, Gross disclosed:

exchanging all characters in the character stream. [0097]

13. In regard to claim 5, Gross disclosed:

exchanging one or more characters in the character stream that have been received since the character stream was last exchanged. [0097]

14. In regard to claim 6, 43, 55, 86, Gross disclosed:

determining whether there is a sufficient amount of data in the character stream to generate accurate results, and, if so, analyzing the character stream to display the results. [0097-0098], [0105-0113]

15. In regard to claim 7, 44, 56, 87, Gross disclosed:

delaying analyzing the character stream when there is not the sufficient amount of data in the character stream to generate accurate results. [0145]

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16. In regard to claim 8, 45, 57, 88, Gross disclosed:

waiting until a predetermined number of non-completion characters has been entered.

[0142-0143]

17. In regard to claim 11, 60, Gross disclosed:

analyzing the character stream to identify results that are more responsive to the predicted interest of the user. [0144]

18. In regard to claim 12, Gross disclosed:

launching the first user application upon selection of the first output, wherein the first user application is different from the second user application. [0100]

19. In regard to claim 13, Gross disclosed:

launching the second user application upon selection of the second output. [0100]

20. In regard to claim 14, 61, Gross disclosed:

polling multiple database to identify results from each of the multiple databases. [0116]

21. In regard to claim 15, 62, Gross disclosed:

enabling the user to configure the web browser to control an operating mode of the web browser. [0141]

22. In regard to claim 16, 63, Gross disclosed:

enabling the user to configure the web browser includes enabling the user to select one or more databases to be accessed. [0116]

23. In regard to claim 17, 64, Gross disclosed:

enabling the user to configure the web browser includes enabling the user to control a format with which the results are displayed. [0118]

24. In regard to claims 18, 65, Gross disclosed:

enabling the user to control a configuration for a drop down menu used to display the results. Figure 3A

25. In regard to claim 19, 66, 91, Gross disclosed:

analyzing the character stream to determine a user profile; [0127]

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storing the user profile; and [0127]

using the user profile to analyze subsequent character streams received through the web browser. [0130]

26. In regard to claim 20, Gross disclosed:

displaying a map related to the character stream. [0127]

27. In regard to claim 21, 67, Gross disclosed:

analyzing the character stream before exchanging the character stream to identify that map information is related to the character stream. [0153]

28. In regard to claim 22, 68, Gross disclosed:

recognizing that a commonly used address term is present in the character stream. [0159]

29. In regard to claim 26, 49, 72, 92, Gross disclosed:

analyzing the character stream before exchanging the character stream to identify that vendor information is related to the character stream, and instructing the host to return vendor information in the results. [0123]

30. In regard to claim 27, 73, Gross disclosed:

identifying yellow page information related to the character stream. [0123]

31. In regard to claim 28, 50, 74, 93, Gross disclosed:

identifying a category and a location appearing in the character stream. [0123-0124]

32. In regard to claim 29, 51, 75, 94, Gross disclosed:

analyzing the character stream for a messaging label appearing in the character stream. [0150]

33. In regard to claim 30, Gross disclosed:

presenting a messaging code segment that enables the user to communicate with another user. [0150]

34. In regard to claim 31, 76, Gross disclosed:

determining that a user identifier appears in the character stream. [0150]

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35. In regard to claim 34, 78, Gross disclosed:

recognizing that an '@' character appears in the character stream as an indication that an electronic mail message will be exchanged. [0142]

36. In regard to claim 35, 79, Gross disclosed:

storing the results for subsequent access. [0127]

37. In regard to claim 36, 80, Gross disclosed:

storing the results the user has selected. [0127]

38. In regard to claim 37, 81, Gross disclosed:

using the web browser to receive a second stream of one or more non-completion characters where the non-completion characters indicate that additional characters may be received; [0130-0131]

accessing stored results; and [0130—131]

relating the stored results to the second stream. [0130-0131]

39. In regard to claim 38, 82, Gross disclosed:

displaying the stored results when the second stream indicates the user is requesting information related to the stored results. [0130-0131]

40. In regard to claim 39, Gross disclosed:

exchanging the second stream with the host to analyze the second stream; [0130-0131]

receiving second stream results; and [0130-0131]

displaying the second stream results so that the user may select one of the second stream results to launch a code segment related to the second stream result, [01330-0131]

when the stored results do not relate to the second stream. [0130-0131]

41. In regard to claim 40, 83, Gross disclosed:

validating Uniform Resource Locators (URLs) located in the character stream. [0135]

42. In regard to claim 48, Gross disclosed:

a second application structured and arranged to analyze the character stream to determine a user profile; [0127]

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storage structured and arranged to store the user profile; and [0127]

a third application structured and arranged to use the user profile to analyze subsequent character streams received through the web browser. [0130]

43. In regard to claim 96, 98, Gross disclosed:

using the web browser to receive the character stream of one or more non-completion characters, representing characters the user types before entering a completion character.

[0135]

44. In regard to claims 97, 99, Gross disclosed:

using the web browser to receive the character stream of one or more non-completion characters, representing character the user types before entering a carriage return. [0135]

Claim Rejections - 35 USC § 103

45. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

46. Claims 9-10, 46-47, 58-59, and 89-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Boss et al. (US 6,157,618).

47. In regard to claims 9-10, 46-47, 58-59, and 89-90, Gross failed to disclose a time out condition for aborting searching. Boss did disclose the use of an elapsed time procedure to note when a connection should be terminated based upon non-use. Boss, column 7, lines 20-54. Gross establishes a connection to the search engine that operates as the user types updated characters. It would have been obvious to one of ordinary skill in the art at the time of invention to use a time out with Gross in order to prevent keeping a connection open longer than necessary, thus saving bandwidth.

48. Claims 23-25 and 69-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Bourquin (US 5,799,284).

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49. In regard to claims 23-25 and 69-71, Gross fails to disclose searching of addresses by city, state or zip code. Bourquin discloses the searching of addresses by city, state or ZIP was well known in the art at the time of Bourquin's invention (1996). Bourquin, column 1, lines 36-40. It would have been obvious to one of ordinary skill in the art at the time of invention to search for a business by city, state or zip code using Gross's invention in order to get localized content.

50. Claims 32-33 and 77 rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Aravamudan et al (US 6,301,609).

51. In regard to claims 32-33 and 77, Gross failed to disclose the use of an instant messaging application being able to detect the online status of a user. However, Aravamudan disclosed the use of a presence server to detect whether a user was online and to send the user an instant message.

Aravamudan, column 7, lines 21-40. It would have been obvious to one of ordinary skill in the art at the time of invention to have added the instant messaging capabilities of Aravamudan with Gross in order to allow for a unified messaging system between users. Aravamudan, column 2, lines 25-49.

Conclusion

52. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2145

JRS

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145